

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

| | | |
|--------------------------------|---|------------------------|
| CERTAIN UNDERWRITERS AT |) | |
| LLOYD'S, LONDON, SUBSCRIBING |) | |
| TO POLICY NO. XSZ98911, |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | C.A. No. 1:18-cv-12454 |
| |) | |
| ALEXANDER WALLEY and ERIN LYNN |) | |
| MATIS, |) | |
| Defendants. |) | |

MEMORANDUM AND ORDER

WOLF, D.J.

May 1, 2020

The court has received the attached February 26, 2020 Magistrate Judge's Report and Recommendation on Plaintiff's Motion for Judgment on the Pleadings. The Magistrate Judge recommends denying plaintiff's motion. The matters as to which plaintiff objected have been reviewed de novo. See 28 U.S.C. §636(b)(1)(B) & (C); Fed. R. Civ. P. 72(b)(3); Díaz-Alarcón v. Flández-Marcel, 944 F.3d 303, 310 (1st Cir. 2019). Plaintiff's objection to the heating issue was previously raised in its initial briefing and the Magistrate Judge addressed that contention. Further, the court notes that although plaintiff in its initial briefing assumed rather than argued that the property was unoccupied, the occupancy issue was also directly addressed by the Magistrate Judge. The court finds the

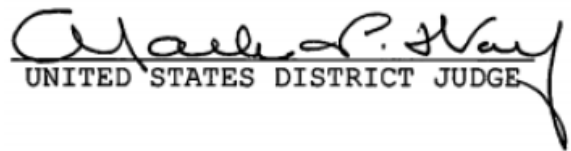
Magistrate Judge's Report and Recommendation to be thorough, thoughtful, and persuasive.

Accordingly, it is hereby ORDERED that:

1. The attached Report and Recommendation (Dkt. No. 23) is ADOPTED and INCORPORATED pursuant to 28 U.S.C. §636(b)(1)(C).

2. Defendant's Motion for Judgment on the Pleadings (Dkt. No. 15) is DENIED.

3. This case is returned to the Magistrate Judge for pretrial purposes.


UNITED STATES DISTRICT JUDGE